

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CAREDX, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-662 (CFC)
)	
NATERA, INC.,)	
)	
Defendant.)	

**DEFENDANT NATERA, INC.'S UNOPPOSED MOTION
FOR LEAVE TO FILE SURREPLY BRIEF**

Defendant Natera, Inc. respectfully moves for leave to file a Surreply Brief in Opposition to CareDx's Motion for Permanent Injunction, attached here as Exhibit A. The grounds for this motion are set forth below.

1. Pursuant to a Stipulated Order (D.I. 336), the parties filed Motions for Equitable Relief on May 6, 2022, attaching Proposed Orders for the Court's consideration. (D.I. 349, 351.)

2. As explained in Natera's May 20, 2022 Answering Brief (D.I. 357), CareDx's Proposed Order (D.I. 351-1) failed to satisfy the requirements of Federal Rule of Civil Procedure 65(d).

3. On May 26, 2022, CareDx sent Natera a Revised Proposed Order, explaining that it intended to file the revised order along with its Reply Brief. On May 31, 2022, the parties met and conferred on the terms and scope of the injunction,

but the parties were not able to agree with respect to CareDx's Revised Proposed Order.

4. CareDx represented that, under the circumstances, it would not oppose Natera seeking leave to file a surreply brief, which CareDx repeated in its Reply Brief. (D.I. 363, at 2 ("If Natera wishes to respond to CareDx's Revised Proposed Order, CareDx does not oppose a surreply.")).

5. A surreply is necessary to provide the Court with Natera's position on CareDx's revised proposal, should the Court be inclined to consider the new proposal made by CareDx with its Reply Brief.

6. Natera's Proposed Surreply Brief is attached as Exhibit A.

Accordingly, Natera respectfully requests leave to file the Proposed Surreply Brief.

MORRIS, NICHOLS, ARSHT & TUNNELL
LLP

/s/ Anthony D. Raucci

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June 10, 2022

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RULE 7.1.1 CERTIFICATION

Counsel for Natera has consulted with counsel for CareDx, and CareDx stated that it does not oppose Natera's motion for leave to file a surreply brief.

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 10, 2022, upon the following in the manner indicated:

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/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

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**[PROPOSED] ORDER GRANTING MOTION
FOR LEAVE TO FILE SURREPLY BRIEF**

At Wilmington this ____ day of _____, 2022, having considered
Defendant Natera, Inc.'s Unopposed Motion for Leave to File Surreply Brief;

IT IS HEREBY ORDERED that the motion is GRANTED. Natera shall file
the surreply brief attached as Exhibit A to its motion.

The Honorable Colm F. Connolly
Chief, United States District Judge